



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

S.J.R.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/495,733 02/01/00 SCHOENE

K ESPD:171

QM32/1213

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

MARK L. GLEASON
HOWREY SIMON ARNOLD & WHITE LLP
750 BERIN DRIVE
HOUSTON TX 77057-2198

3724

DATE MAILED:

12/13/00

#4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/495,733

Applicant(s)
Schoene

Examiner
Clark F. Dexter

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-55 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-55 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, drawn to a table saw with a specific rail configuration, classified in class 83, subclass 477.2.
 - II. Claims 1 and 5-11, drawn to a table saw with a table locking mechanism, classified in class 83, subclass 471.
 - III. Claims 1, 12 and 13, drawn to a table saw with a specific first table configuration, classified in class 83, subclass 859.
 - IV. Claims 1, 14, 15 and 36-40, drawn to a table saw with a rip fence and to the rip fence, classified in class 83, subclass 438.
 - V. Claims 1, 16-22 and 41-44, drawn to a table saw with a rip fence scale and to the rip fence scale, classified in class 83, subclass 522.11.
 - VI. Claims 1, 24, 25, 45 and 46, drawn to a table saw with a blade guard and to the blade guard, classified in class 83, subclass 478.
 - VII. Claims 1, 26-32 and 47-50, drawn to a table saw with a cradle assembly having an elevation mechanism and to the cradle assembly with the elevation mechanism, classified in class 83, subclass 477.1.

Art Unit: 3724

VIII. Claims 1, 26, 27, 33-35 and 51-55, drawn to a table saw with a cradle assembly having an bevel mechanism and to the cradle assembly with the bevel mechanism, classified in class 83, subclass 473.

2. It is noted that claim 1 is common to all groups, and claim 27 is common to groups VII and VIII.

3. Claims 1-35 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the specific rail configuration of Group I). It is noted that if claim 1 as originally filed is determined to be patentable, rejoinder of claims 1-35 will be considered.

4. The inventions are distinct, each from the other because of the following reasons:

Group I vs Groups II-VIII

5. Inventions of groups I and II are separate inventions. They are distinct because the invention of group I does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group I, and the invention of group II does not require the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group II.

6. Inventions of groups I and III are separate inventions. They are distinct because the invention of group I does not require the first table configuration of group III for patentability as evidenced by the omission thereof from group I, and the invention of group III does not require

Art Unit: 3724

the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group III.

7. Inventions of groups I and IV are separate inventions. They are distinct because the invention of group I does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group I, and the invention of group IV does not require the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group IV.

8. Inventions of groups I and V are separate inventions. They are distinct because the invention of group I does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group I, and the invention of group V does not require the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group V.

9. Inventions of groups I and VI are separate inventions. They are distinct because the invention of group I does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group I, and the invention of group VI does not require the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group VI.

10. Inventions of groups I and VII are separate inventions. They are distinct because the invention of group I does not require the cradle assembly of group VII for patentability as evidenced by the omission thereof from group I, and the invention of group VII does not require

Art Unit: 3724

the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group VII.

11. Inventions of groups I and VIII are separate inventions. They are distinct because the invention of group I does not require the cradle assembly of group VIII for patentability as evidenced by the omission thereof from group I, and the invention of group VIII does not require the specific details of the rail configuration of group I for patentability as evidenced by the omission thereof from group VIII.

Group II vs Groups III-VIII

12. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the first table configuration of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group III.

13. Inventions of groups II and IV are separate inventions. They are distinct because the invention of group II does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group II, and the invention of group IV does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group IV.

Art Unit: 3724

14. Inventions of groups II and V are separate inventions. They are distinct because the invention of group II does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group II, and the invention of group V does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group V.

15. Inventions of groups II and VI are separate inventions. They are distinct because the invention of group II does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group II, and the invention of group VI does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group VI.

16. Inventions of groups II and VII are separate inventions. They are distinct because the invention of group II does not require the cradle assembly of group VII for patentability as evidenced by the omission thereof from group II, and the invention of group VII does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group VII.

17. Inventions of groups II and VIII are separate inventions. They are distinct because the invention of group II does not require the cradle assembly of group VIII for patentability as evidenced by the omission thereof from group II, and the invention of group VIII does not require the table locking mechanism of group II for patentability as evidenced by the omission thereof from group VIII.

Art Unit: 3724

Group III vs Groups IV-VIII

18. Inventions of groups III and IV are separate inventions. They are distinct because the invention of group III does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group III, and the invention of group IV does not require the specific details of the first table configuration (e.g., the handle) of group III for patentability as evidenced by the omission thereof from group IV.

19. Inventions of groups III and V are separate inventions. They are distinct because the invention of group III does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group III, and the invention of group V does not require the specific details of the first table configuration (e.g., the handle) of group III for patentability as evidenced by the omission thereof from group V.

20. Inventions of groups III and VI are separate inventions. They are distinct because the invention of group III does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group III, and the invention of group VI does not require the specific details of the first table configuration (e.g., the handle) of group III for patentability as evidenced by the omission thereof from group VI.

21. Inventions of groups III and VII are separate inventions. They are distinct because the invention of group III does not require the cradle assembly of group VII for patentability as evidenced by the omission thereof from group III, and the invention of group VII does not require

Art Unit: 3724

the specific details of the first table configuration (e.g., the handle) of group III for patentability as evidenced by the omission thereof from group VII.

22. Inventions of groups III and VIII are separate inventions. They are distinct because the invention of group III does not require the cradle assembly of group VIII for patentability as evidenced by the omission thereof from group III, and the invention of group VIII does not require the specific details of the first table configuration (e.g., the handle) of group III for patentability as evidenced by the omission thereof from group VIII.

Group IV vs Groups V-VIII

23. Inventions of groups IV and V are separate inventions. They are distinct because the invention of group IV does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group IV, and the invention of group V does not require the specific details of the rip fence (e.g., the at least one spring finger) of group IV for patentability as evidenced by the omission thereof from group V.

24. Inventions of groups IV and VI are separate inventions. They are distinct because the invention of group IV does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group IV, and the invention of group VI does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group VI.

25. Inventions of groups IV and VII are separate inventions. They are distinct because the invention of group IV does not require the cradle assembly of group VII for patentability as

Art Unit: 3724

evidenced by the omission thereof from group IV, and the invention of group VII does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group VII.

26. Inventions of groups IV and VIII are separate inventions. They are distinct because the invention of group IV does not require the cradle assembly of group VIII for patentability as evidenced by the omission thereof from group IV, and the invention of group VIII does not require the rip fence of group IV for patentability as evidenced by the omission thereof from group VIII.

Group V vs Groups VI-VIII

27. Inventions of groups V and VI are separate inventions. They are distinct because the invention of group V does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group V, and the invention of group VI does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group VI.

28. Inventions of groups V and VII are separate inventions. They are distinct because the invention of group V does not require the cradle assembly of group VII for patentability as evidenced by the omission thereof from group V, and the invention of group VII does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group VII.

29. Inventions of groups V and VIII are separate inventions. They are distinct because the invention of group V does not require the cradle assembly of group VIII for patentability as

Art Unit: 3724

evidenced by the omission thereof from group V, and the invention of group VIII does not require the rip fence scale of group V for patentability as evidenced by the omission thereof from group VIII.

Group VI vs Groups VII-VIII

30. Inventions of groups VI and VII are separate inventions. They are distinct because the invention of group VI does not require the cradle assembly of group VII for patentability as evidenced by the omission thereof from group VI, and the invention of group VII does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group VII.

31. Inventions of groups VI and VIII are separate inventions. They are distinct because the invention of group VI does not require the cradle assembly of group VIII for patentability as evidenced by the omission thereof from group VI, and the invention of group VIII does not require the blade guard of group VI for patentability as evidenced by the omission thereof from group VIII.

Group VII vs Group VIII

32. Inventions of groups VII and VIII are separate inventions. They are distinct because the invention of group VII does not require the cradle assembly bevel mechanism of group VIII for patentability as evidenced by the omission thereof from group VII, and the invention of group

Art Unit: 3724

VIII does not require the cradle assembly elevation mechanism of group VII for patentability as evidenced by the omission thereof from group VIII.

33. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

34. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

35. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Art Unit: 3724

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
December 11, 2000